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TESTIMONY REGARDING HB 6269

AN ACT CONCERNING THE AVAILABILITY OF ACCIDENT RECORDS OF THE STATE POLICE

PUBLIC SAFETY AND SECURITY COMMITTEE HEARING

February 22, 2011

Senator Hartley, Representative Dargan and members of the Public Safety and Security Committee, thank you for giving me this opportunity to discuss Proposed Bill 6269. This concept came to me when a family in my district who lost their son, a local school teacher, in a fatal motor vehicle accident discovered during the civil suit against the person responsible for their son's death that their attorney had difficulty obtaining accident reports from the state police. This was not the first time their very experienced attorney had difficulty obtaining accident reports from the state police during civil legal proceedings in which he was involved.

The attorney who represented my constituent family indicated that he had so much difficulty obtaining the accident reports in this case and other cases that he had to file a lawsuit against the Public Safety Commissioner on more than one occasion to compel the release of the accident reports and other records so he could adequately represent his clients.

The existing legislation, C.G.S. section 29-10c provides that "Any memorandum, sketch, chart, written statement, report, or photograph obtained, prepared or created by the Division of State Police within the Department of Public Safety in the investigation of any accident wherein any person has been injured or property damaged shall be preserved and retained for a period of at least ten years from the date of such accident. Subsequent to the final disposition of any criminal action arising out of an accident, the records hereinbefore specified and the information contained there shall be open to the public inspection except that such records shall be available to any person involved in the accident subsequent to the issuance of a warrant or summons in such action." (emphasis added).

Proposed Bill no. 6269 simply and slightly modifies the emphasized language to provide that such records "shall be available to any person involved in the accident subsequent to the issuance of a warrant or summons in any criminal action arising out of the accident or within thirty days of such accident, whichever is earlier."

Justice delayed is justice denied. This slight modification I am proposing would help move cases through our legal system more quickly, efficiently and fairly. Reports of the state police investigation including diagrams, photographs, and opinions are often essential for an advocate to maintain a lawsuit and comply with management orders and deadlines imposed by court rules of civil practice. Without essential evidence, the litigant may be unjustly deprived of a remedy. This simple change will make it much easier for litigants to obtain essential information and better ensure due process of law and justice.

Thank you for giving this slight, but important change to CGS § 29-10c your consideration.